

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated February 19, 2003, indicated that claims 1, 2, 4, 7-9 and 24-37 stand rejected under 35 U.S.C. §112(2) as being indefinite; claims 1 and 24-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Barron et al.* (U.S. Patent No. 5,357,567); claims 24, 35 and 36 stand rejected under 35 U.S.C. §102(e) as being anticipated by *McCaslin et al.* (U.S. Patent No. 5,668,794); claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *McCaslin* in view of *Barron*; claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Barron* in view of *Chen et al.* (U.S. Patent No. 5,075,687); claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Barron* in view of *Chen et al.* and further in view of *Teitler et al.* (U.S. Patent No. 5,722,086); claims 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Barron* in view of *Teitler*; claims 20-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Odham* (GB 2174578A) in view of *Karnowski et al.* (U.S. Patent No. 5,768,364).

With respect to the §112(2) rejections regarding the term "duplex", Applicant respectfully traverses as the claims are not indefinite. Applicant's Specification uses the term "duplex" along with other related terms such as "full duplex" and "near full duplex." As the Office Action points out, the term "duplex" is well known in the art. As such, Applicant's use of "duplex" along with other species of the well-known "duplex" is not indefinite and satisfies the requirements of 35 U.S.C. §112.

With respect to the §112(2) rejection of claim 2 regarding the language "without digital signal processing," Applicant has accordingly amended the claim and requests that the rejection be withdrawn.

Claim 8 has been amended to correct an informality.

Applicant respectfully traverses the §102(b) rejection in view of the '567 reference as the Office Action fails to present correspondence between the '567 reference and each limitation of the claimed invention. Claim 1 of the instant invention is directed to a duplex portable handset speakerphone including, *inter alia*, a microprocessor that is

coupled to a hands-free receive register and coupled to a hands-free transmit register. The '567 reference fails to show a microprocessor that is coupled to both hands-free registers as claimed. In fact, the '567 reference does not teach a portable handset, as claimed, and therefore, none of the claim limitations are present as acknowledged by the §103(a) rejection of claim 7. The Office Action erroneously cites two different processors in the '567 reference, 115 and 160 of Fig. 1, as corresponding to the single microprocessor of the claimed invention. This dual processor arrangement of the '567 reference cannot correspond to the single processor of the claimed invention and without this correspondence, a §102(b) rejection cannot be maintained. Applicant accordingly requests that the rejection be withdrawn.

Applicant has amended the claims to more clearly show the claimed invention consistent with the original claim language. Support for the amendments may be found at page 13, lines 25-33 of the Specification; thus, there is no introduction of new matter into the application by way of the amendment.

Applicant's amendment to claim 24 also overcomes the §102(b) rejection in view of the '794 reference. The Office Action fails to present correspondence between the '794 reference and each limitation of the claimed invention as amended, e.g., a portable handset including a microphone and a speaker. The '794 reference fails to teach a portable handset as claimed and further evidenced by the §103(a) rejection of claim 1. Without complete correspondence the §102 rejection cannot be maintained and Applicant requests that the rejection be withdrawn.

Applicant respectfully traverses the §103(a) rejections as the Office Action fails to present a *prima facie* case of obviousness.

In view of the above discussions regarding the failure of each of the '567 and '794 references to teach a portable handset, the Office Action fails to present correspondence to claim 1.

With particular respect to claims 7-9, Applicant respectfully traverses as the proposed modification would undermine the purpose of the '567 reference. The '567 reference is directed to controlling the noise at the speaker/microphone output. The proposed modification would result in the addition of an RF interface at the speaker/microphone output, frustrating the noise control measures and thereby

exasperating and/or entirely missing the problem and objective identified in the '567 reference. See, Applicant's Specification at page 4, lines 21-23. To suggest that one skilled in the art would modify the '567 reference in this manner is untenable and improper. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (A §103 rejection cannot be maintained when the asserted modification undermines the purpose or operation of the main reference.)

In view of the amendments to the claims and as discussed above in connection with claim 1, the prior art fails to correspond to Applicant's claimed portable handset and/or arrangement including, *inter alia*, a microprocessor and logic circuit which alternately receive speech signals in the respective speech paths; therefore, the remaining §103(a) rejections cannot be maintained. Applicant requests that each of the §103(a) rejections be withdrawn.

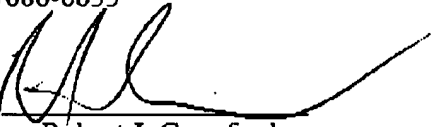
Applicant has cancelled claims 20-23 and therefore requests that the rejection of these claims be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAJUNO PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

Dated: April 30, 2003

By: 
Robert J. Crawford
Reg. No. 32,122